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September 17, 2013

Elizabeth Appel
Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C Street, NW - MS 4141
Washington, DC 20240

Dear Ms. Appel,

My name is Cheryll Toney Holley and I am the newly elected Chief of the Nipmuc Nation and the Hassanamisco Band of Nipmuc Indians. The Nipmuc Nation is a state-recognized tribe in the Commonwealth of Massachusetts. We occupy the Hassanamesit Reservation in Massachusetts, the only land continuously occupied by Native people in the Commonwealth.

As a tribal member, I continue to witness much heartache and pain among my people while we engage in a now 33 year federal acknowledgment process. Many, if not most, of my Elders have passed on during this struggle – with the majority not understanding why we as a people could not successfully complete the acknowledgment process.

I applaud and strongly support the Assistant Secretary and his staff in their efforts to improve the process for establishing a government-to-government relationship with Native tribes. I maintain that federal acknowledgment is an obligation of the United States bound by treaty and law not an entitlement program.

I support the proposed changes overall and specifically in the following sections:

83.7 (a)

The deletion of part (a). External identification of a petition as an Indian group is arbitrary and depends upon an individual or organization's personal ideals, influences and prejudices.

83.7 (b) & (c)

The use of the date 1934 (Indian Reorganization Act). I would include the reasoning behind using this date and remove all references to historic or historical tribes.

83.10 (f) & (g)

The process for 'Expedited Negative Finding' and 'Expedited Favorable Finding' is encouraging. I would emphasize that OFA staff should be trained in historical research and demonstrate an understanding of Genealogical Proof Standards. Interpretations should be made in favor of the petitioners. Interpretations made in favor of the petitioners should not be reversed by subsequent researchers without evidence of fraud or other serious breaches.

In addition,

Third parties should not have the ability to interfere with this process.

OFA staff should answer to and be supervised by the Assistant Secretary-Indian Affairs.

Greater weight should be given to federally recognized tribes' support of a petitioner.

Acknowledgment by other federal agencies of the petitioner should carry weight.

OFA definition of tribes that have combined through time should be less stringent. To 'declare' that a community is Indian and yet do not descend from a historic tribe is unreasonable. If Indian peoples from varying bands or tribes have chosen to live together and have done so through time, they have proved themselves to be one People.

To reduce ambiguous and arbitrary interpretations and findings, terms such as “significant”, “substantial” and “consistent” should be clearly defined and quantifiable.

A sovereign Indian community has the inherent right to choose their own people, to decide their own course. This effort should be supported not undermined.

Thank you for your time and efforts.

Cheryll Toney Holley
Chief
Nipmuc Nation